

DEQ Solid Waste Meeting Minutes Nov. 10, 2004

The purpose of this memo is to highlight the minutes from the fourth meeting of the Department of Environmental Quality held on Wednesday, October 29th. In addition, the minutes from the November 10th meeting are included.

I. Recap of Previous Meeting

A. Groundwater and Geology Team

- There may be more performance-based standards included in the current regulations provided that minimum requirements are met
- Some of the concerns involve a lack of prescriptive norms
- More flexibility is needed in regulated community

B. Permits Team

- More feedback is needed on bio-reactive landfills
- This process introduces moisture into the landfill via aerobic respiration
- The regulations currently require that no water enter the landfills
- However, the purpose of the current regulations is to prohibit liquid disposal
- As a result, some minimum standards may need to be imposed

C. Beneficial Use Team

- It is possible that more things may be available for beneficial use
- RECAP should be made more user-friendly
- There may be some overlap with the water program regarding slurry sludge
- Maybe the slurry sludge issues could be housed/managed by one entity

D. E&P Waste Team

- Some of the key questions pertain to:
 - Whether these E&P waste needs to enter permitted landfills?
 - Could this waste go to Type I facilities
- DNR may be able to help with the inclusion of some waste streams
- The largest concern pertains to sulfur content and benzene
- Separation facilities and composting raised as additional issues

E. Legislative Team

- Consider repealing 'auto fluff'
- Consider repealing exception for sulfur waste
- Clarify definition of industrial waste

F. Miscellaneous Issues

- Separation facilities
- Grease wastes
- Storage limits

- Pickup v. transfer stations

G. Action Item

- For December 1st meeting, each team should assess how much time will be needed to complete recommendations for changes to existing regulations

II. E&P (Processing) and Legislative Team Minutes

A. General

- Majority of E&P waste streams should be eligible for disposal at Type I facility, subject to proper testing
- There is a concern that landfills were built primarily for municipal wastes
- However, each facility has the discretion to accept or reject waste streams
- Therefore, being permitted to receive a certain waste stream does not necessarily mean the waste stream will be accepted
- Type II facilities/landfills may be better options for disposal of this waste
- There is currently only one facility north of I-10 to take some of these waste streams

B. DNR Perspective

- Other states allow E&P wastes to go to municipal landfills
- For example, California manages these wastes as RCRA waste
- Section 503(e) notes that DEQ can take waste as opposed to DNR; the revision took place in 2001
- Thus, DNR allows disposal as a waste option for DEQ permitted facilities
- It may be beneficial to know the volume of E&P waste that would/could go to these DEQ permitted facilities
- Also, it may be good to take existing data on waste constituents to determine what waste streams would look like and what a landfill could test for prior to accepting the waste
- It would be helpful to determine which E&P waste can be considered non hazardous and determine the volume
- Many landfills are industrial landfills, so other similar waste streams may already be accepted by a landfill
- So, what would be the problem if DEQ did not allow these waste streams into permitted facilities?
- Another additional problem may be based on the fact that the regulatory definition is more specific than the statutory definition

C. Action Items

- DNR will provide waste stream data regarding volume by geographic region (North v. South)
- This may help assess the scope of the problem

November 10, 2004

Solid Waste Interest Group (Permits) Minutes:

Those in attendance: Troy Barber, Jorge Ferrer, Amanda Olsen, Joe Viceli, Kenny Qualls, Jason Meyers, Cathy Wells, Mike Daigle, and Bernard Wright.

Items Discussed (Wish List):

Item 1 – Alternate Daily Cover: Provide a method for approving alternate daily cover without a modification. It should be easier to use alternate cover once the department has agreed to the use in principle. Provide a list of approved covers and be consistent for all permits.

Item 2 – Address Bioreactor landfills: 711.B.4.b.i may need to be removed for bioreactors. Also, the issue of using liquid waste to supplement water requirements was brought up and needs to be addressed.

Waste Management currently operates a bioreactor in Mississippi and Amanda is going to check to see if Mississippi has any additional requirements. Mike and Bernard are going to check other states regulations as well.

Item 3 – Alternate liners: Revise the regulations such that alternate liners may be approved for Type II facilities without the need for an exemption. Currently, an exemption from 711.B.5.d.ii is required before an alternate liner can be approved for Type II facilities. The point was made that this may not be possible due to the federal regulations.

Item 4 – Final elevations: We discussed whether the final elevation provided is post or pre-settlement. The group came to a consensus that the elevation provided should be post-settlement at the time of cap placement.

Item 5 – New Item: We are to clarify the distinction between Type II and Type III separation facilities. There is a loophole in the regulations regarding the classification of these facilities that needs to be addressed. Jason will have more details for the next meeting.

Item 6 – New Item: Major Modifications: It was suggested that the criteria for determining if a modification is major or minor provided in 517.A.2 be reviewed to determine if some items need to be removed. For example, in order to avoid a major modification, facilities may request an unlimited service area or 24 hour operation.

Action Items

- Jason will prepare a list of all topics discussed by the group.
- Mike and Bernard are going to check other state's regulations for any bioreactor requirements.
- The group is to review the changes proposed in version 2B and be prepared to discuss any concerns in the next meeting.

Solid Waste Interest Group Meeting 11/10/04

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Beneficial Reuse Subcommittee Meeting Summary

Four main issues being addressed:

1. 3015.Appendix H. should be expanded to list additional agricultural streams eligible for BMPs. Group members will bring suggestions for additions to the next meeting.
2. Currently Sewer Sludge reuse is regulated under Solid Waste and Water Regs (ultimately under EPA 503). The possibilities of streamlining this process under only one set of regs or delegating 503 are being considered. Additional participants will be invited to help determine which options are feasible.
3. Contaminated soil is currently considered a solid waste and regulated as such. It is therefore difficult to manage this type of material efficiently. A proposal outlining a possible solution has been submitted as is being reviewed by DEQ administration.
4. Currently Sewer Sludge is the sole subject of Chapter 11 (Beneficial Reuse). Adding sections regarding the reuse of “other” substances, i.e. cont. soils and sediments, has been proposed. Group members will bring possible frameworks and/or language for these additional sections to the next meeting.

Geology and Groundwater Group

Chapter 8 of Proposed Regulations:

- It was suggested that some of the definitions in the proposed regulations should be changed and some definitions should be added to the existing ones.
- Some of the language used in Ch.8 should be clarified or deleted.

Performance Based-Geology Requirements:

- It has been suggested that Performance Based method for describing the subsurface geology be used only as an option for existing permitted facilities which are planning a lateral and/or vertical expansion or changing the permitted lowest point of excavation within the permitted foot print.

Next meeting will be Wed. Dec. 1, 2004. We will meet in our respective groups initially then reconvene at 3 p.m. to discuss group progress. The breakout assignments are as follows: 10th floor conference room Processing; 919 State_Legislative group; 933 Beneficial Use; 819 Permits; 619 Groundwater & geology